

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAYNE WHITCOMB,

Case No. 15-12363

Plaintiff,

Gershwin A. Drain

v.

United States District Judge

CONTINENTAL CAFE, INC., *et al*,

Stephanie Dawkins Davis

United States Magistrate Judge

Defendants.

ORDER FOR SETTLEMENT CONFERENCE

Settlement Conference	SEPTEMBER 7, 2016 at 10:00 a.m.
Confidential Settlement Statement	Due AUGUST 24, 2016
Location of Settlement Conference	Room 112, 600 Church Street Flint, MI. For directions, See, www.mied.uscourts.gov .

REQUIREMENTS FOR SETTLEMENT CONFERENCE

A. The conference must be attended by an authorized representative of each party, together with trial counsel for each party unless expressly excused by the Court. An insured party need not attend unless the settlement decision will be made in part by the insured. When the settlement decision will be made in whole or part by an insurer, the insurer must send a representative in person with full and complete authority to make settlement decisions. A corporate party must send an

authorized representative with full and complete authority to bind the company.

A governmental entity must send an authorized representative with full and complete authority to bind the governmental entity. Failure to produce the appropriate person(s) at the conference may result in an award of costs and attorney fees incurred by the other parties in connection with the conference and/or other sanctions against the noncomplying party and/or counsel.

B. At least 14 days prior to the conference, each party must submit a confidential settlement statement to the Magistrate Judge. The settlement statement will not become a part of the file of the case, but will be for the exclusive use of the magistrate judge in preparing for and conducting the settlement conference. The settlement statement must contain a specific recitation of the facts, a discussion of the strengths and weaknesses of the case, the parties' position on settlement, including a present settlement proposal, and a report on settlement efforts to date. **It is required that by the time of the settlement conference plaintiff will have made a good faith offer to settle the case and defendant will have made a good faith counter offer of settlement.** Settlement conferences are much more likely to be successful if the parties have made good faith settlement proposals prior to the beginning of the settlement conference. If not already part of the court file, copies of any critical agreements, business records, photographs or other documents or exhibits must be attached to the

settlement statement. The settlement statement should not be more than five pages in length and should contain enough information to be useful to the Magistrate Judge in analyzing the factual and legal issues in the case. The parties are directed to be candid in their statements.

C. The settlement statement must not be filed with the clerk, but must be delivered to the Magistrate Judge either via fax to 810-341-7854 OR e-mail (angela_brown@mied.uscourts.gov and tammy_hallwood@mied.uscourts.gov). Copies of the settlement statement must not be provided to the other parties in the case.

D. Settlement conferences are scheduled on days when the Court does not normally schedule other matters. The attorneys and their clients should expect to be in attendance through the balance of the business day in order to maximize the opportunity to resolve the case. Counsel that wish to bring laptops to the court are encouraged to do so but should seek approval from the court prior to the day of the settlement conference.

E. One attorney for each party should be prepared to give a short summary of their case at the beginning of the settlement conference. The summary should identify the remaining issues in the case and the evidence that supports the party's position on those issues.

IT IS SO ORDERED.

Date: February 12, 2016

s/Stephanie Dawkins Davis
Stephanie Dawkins Davis
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on February 12, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to all counsel of record.

s/Tammy Hallwood
Case Manager
(810) 341-7887
tammy_hallwood@mied.uscourts.gov